

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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NOVARTIS AG and ,  
NOVARTIS PHARMACEUTICALS  
CORPORATION

Plaintiff,

v.

APOTEX INC. and APOTEX CORP.

Defendants.

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Civil Action No. 09-5614 (PGS)


**ORDER**

A Report and Recommendation was filed on January 24, 2011 recommending that this Court deny Defendants Apotex Inc. and Apotex Corp.'s ("Apotex") motion to disqualify Dr. Alexander Klibanov from serving as an expert witness on behalf of Plaintiffs (docket entry 34). Apotex also seeks to preclude Novartis from relying on Dr. Klibanov's opinions in their entirety. The parties were given notice that they had until February 7, 2011 to object to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). No objections having been received, and the Court having reviewed the Report and Recommendation de novo, and good cause appearing;

It is, on this 8<sup>th</sup> day of February, 2011,

**ORDERED** that the Report and Recommendation of Magistrate Judge Esther Salas at docket entry 115 is hereby adopted as the opinion of the Court; and it is further

**ORDERED** that Apotex's motion to disqualify Dr. Alexander Klibanov from serving as an expert witness on behalf of Plaintiffs and to preclude Novartis from relying on Dr. Klibanov's opinion is denied.

  
PETER G. SHERIDAN, U.S.D.J.